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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,639	09/25/2001	Mark Kevin O'Connor	146381.00001	2501
7590	05/24/2006		EXAMINER	
SIDLEY AUSTIN BROWN & WOOD LLP 1501 K STREET, N.W. WASHINGTON, DC 20005			HAN, QI	
			ART UNIT	PAPER NUMBER
			2626	
DATE MAILED: 05/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/937,639	O'CONNOR, MARK KEVIN
Examiner	Art Unit	
Qi Han	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 March 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 77-104 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 77-104 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. This communication is responsive to the applicant's amendment dated 03/08/2006. The Applicant(s) filed a substitute specification, cancelled all claims (claims 1-76) and added new claims 77-104 (see the amendment: pages 3-13).

Response to Arguments

3. Applicant's arguments filed on 03/08/2006 with respect to claims 1-76 (the amendment: pages 14-20) have been fully considered but are moot in view of the new ground(s) of rejection, since the applicant cancelled all original claims (claims 1-76) and added new claims 77-104, which introduce new issue and/or change the scope of the claim. It is also noted the applicant's arguments (the amendment: page 17, last paragraph to page 20, last paragraph) regarding prior art rejection is based on the original claims that have been cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 77-104 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding independent claims 77 and 92, the limitations of “**common sample of text**”, “**visual clues**” and “**selected from ...pictographic and logographic markers**” in the claim introduce new subject matter, which is not specifically described or clearly defined in the original specification.

Regarding claims 78-91 and 93-104, the rejection is based on the same reason described for claims 77 and 92, because the dependent claims inherit all limitations of their parent claims.

In addition, claims 90-91 and 103 have they own new matter problem, because the limitation of “**graphic signs selected from the categories of logographic and pictographic signs...**” is not specifically described or clearly defined in the original specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 77-78, 83, 85, 90-93, 98 and 103 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements/step, such omission amounting to a gap between the elements. See MPEP § 2172.01.

Regarding independent claims 77 and 92, the omitted elements/steps is: a pronouncing dictionary database or accessing the dictionary database (see Fig. 1). It is noted that without providing the essential element (or step) of a proper dictionary database, the claimed limitation of “to generate a plurality of processed text... such that each said processed texts comprises word-shapes that correspond in sequence with the word-shapes of the sample” and the “visual clues are selected from at least phonetic...markers”, omits a structure (or step) gap to realize a normal operation for the claimed system or process, because an ordinary person skilled in the art would not know what kind of relationship/correspondence among the “common sample of text” and the “plurality of processed texts” should be and how to connect/generate the different texts. Therefore, the claimed limitation is incomplete.

Regarding claims 78, 83, 85, 90-91, 93, 98 and 103, the rejection is based on the same reason described for claims 77 and 92, because the dependent claims have the same or similar incomplete problem as their parent claims.

Claim Rejections - 35 USC § 103

6. Claim 77-78, 83, 85, 90, 92-93 and 98 is rejected under 35 U.S.C. 103(a) as being unpatentable over OPSTAD et al. (US 5,416,898 B2) hereinafter referenced as OPSTAD.

As per **claim 77**, as best understood in view of the rejection under 35 USC 112, 1st and 2nd (see above), OPSTAD discloses apparatus and method for generating textural lines layouts (title) for rendering text (abstract), comprising:

“to generate a plurality of processed texts from a common sample of text which is written in the standard writing system, such that each of said processed texts comprises word-shapes that

correspond in sequence with the word-shapes of the sample”, (Figs. 2-12 and col. 6, lines 10-27, ‘letter “a” (common sample of text), resulting in various ligatures (processed texts, altered in appearance), ‘contextual forms (word-shape)’ that are ‘stand alone (can also be interpreted as common sample of text)’, ‘at start, middle or end of a word (can also be interpreted as processed texts’),

“at least one word-shape in each processed text is altered in appearance with respect to the corresponding word-shape in the sample by the incorporation of additional visual clues as to the identity of said word-shape”, (Figs. 2-12 and col. 6, lines 10-27, ‘letter “a” is combined with various accent marks (visual clues), resulting in various ligatures (processed texts); col. 10, ‘attaching a tilde mark (visual clues)’),

‘said visual clues are selected from at least one of phonetic, pictographic and logographic markers’ (Figs. 2-12 and 11 and col. 6, lines 10-27, ‘letter “a” is combined with various accent marks (visual clues, and phonetic markers), resulting in various ligatures (processed texts); col. 10, lines 10-20, ‘attaching a tilde mark (visual clues, and pictographic and logographic markers)’),

“said processed texts differ from one another by the amount of said visual clues incorporated therein” (Figs. 2-12),

display means is provided that is adapted to visually display to the user the sample in the standard writing system and any of said processed texts” (Figs. 1-12 and col. 5, lines 28-30, ‘CRT’ and ‘displaying information to a computer user’), and

“user operable selector means is provided that is adapted to provide user control of said display means to allow selective display of the sample and any one of said processed texts” (col.

3, lines 5-14, ‘controlling the appearance of glyphs representing text...’, which suggests that user controls the operation as claimed).

It is noted that OPSTAD does not expressly teach using the plurality of processed texts having word-shapes and the additional visual clues **during the same operation** as suggested in the claim. However, since OPSTAD discloses his system can display different textural forms (or glyphs) and using different visual marks (markers), as describe above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine OPSTAD’s different teachings or embodiments by providing both capability of displaying different textural forms (or glyphs) and using different visual marks (marker), during the same operation, for the purpose (motivation) of providing exacting control over the appearance of lines of text and/or text-editing functions for the system (OPSTAD: col. 2, lines 55-57 and col. 3, lines, 13-14).

As per **claim 78** (depending on claim 77), OPSTAD further discloses “the standard form of the written human language of the sample is alphabetical” (col. 4, lines 40-46, ‘Roman, Greek’),

“the word-shapes of the sample are formed by sequences of alphabetical letters ordered in accordance with a standard spelling system of the natural human language” (col. 7, lines 6-21, ‘phonetic order’), and

“said visual clues are phonetic markers indicative of the pronunciation of word-shapes in the sample” (Fig. 2 and col. 6, lines 10-27, ‘various accent marks (indicative the pronunciation of word-shapes)’; col. 7, lines 6-21, ‘phonetic order’).

As per **claim 83** (depending on claim 78), OPSTAD further discloses that “said processed texts substantially preserve the word-shapes, letters and spelling of the sample” and “the phonetic markers included in each of said processed texts comprise variants of the letters within the word-shapes of said processed texts, said variants being selected from the following categories of variants: letter font, ... letter shape, including slant, orientation and rotation...”(Figs 2-12).

As per **claim 85** (depending on claim 78), OPSTAD further discloses that “said visual clues incorporated in at least one of said processed texts employs at least one of the following: a different spelling system and different letters to that used by the standard writing system of the language”, “at least one other of said processed texts substantially preserves the word-shapes, letters and spelling of the sample and the standard writing system of the language”, and “the visual clues incorporated within at least one other of said processed texts comprise visual variants of the letters of the word-shapes of the sample” (Figs 2-12).

As per **claim 90** (depending on claim 7), as best understood in view of the rejection under 35 USC 112, 1st (see above), OPSTAD further discloses that “at least some of said visual clues in said processed texts are graphic signs selected from the categories of logographic and pictographic signs that are indicative of at least one of meaning and pronunciation of respective word-shapes in the sample” (Figs 2-12).

As per **claim 92**, it recites a method. The rejection is based on the same reason described for claim 77, because the claim recites the same or similar limitations as claim 77.

As per **claim 93** (depending on claim 92), the rejection is based on the same reason described for claim 78, because the claim recites the same or similar limitations as claim 78.

As per **claim 98** (depending on claim 92), the rejection is based on the same reason described for claim 85, because the claim recites the same or similar limitations as claim 85.

7. Claims 79 and 94-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over OPSTAD as applied to claim 78, in view of SHAW (US 6,363,342 B2).

As per **claim 79** (depending on claim 78), OPSTAD does not expressly disclose “an electronically readable pronouncing-dictionary data-base...” and “identifying the word-shapes of the sample in said data-base and incorporating in the word-shapes of said processed texts a selection of said groups of phonetic markers from the data-base...” However, the feature is well known in the art as evidenced by SHAW who discloses system for developing word-pronunciation pairs (title) using ‘an editing tool’ (abstract), comprising ‘a word-pronunciation dictionary (corresponding to pronouncing-dictionary data-base)’ with ‘ordered pairs of words and one or more associated phonetic transcriptions’ (col. 2, lines 41-43), and providing ‘the word in the spelling fields and its corresponding phonetic transcription in the phonemes field’ and ‘a list of n-best suggested phonetic transcription’ user selection (col. 3, line 62 to col. 4, line 10), which corresponds to the claimed limitation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify OPSTAD by providing a word-pronunciation dictionary (speech database) and selectable phonetic transcriptions for user, as taught by SHAW, for the purpose of building upon a window environment to provide a user-friendly methodology for defining, manipulating and storing the phonetic representation (SHAW: col. 1, lines 60-65).

As per **claim 94** (depending on claim 93), the rejection is based on the same reason described for claim 79, because the claim recites the same or similar limitations as claim 79.

As per **claim 95** (depending on claim 93), the rejection is based on the same reason described for claim 79, because the rejection for claim 79 covers the same or similar limitations as claim 95.

As per **claim 96** (depending on claim 95), the rejection is based on the same reason described for claim 83, because the claim recites the same or similar limitations as claim 83.

As per **claim 97** (depending on claim 96), the rejection is based on the same reason described for claim 83, because the claim recites the same or similar limitations as claim 83.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh
May 19, 2006



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER